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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/781,097 | 02/18/2004 | Jason Mathew Banowetz | 9599-59US | 3369 |

570 7590 03/03/2006

AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

EXAMINER

TORRES, ALICIA M

| | |
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| ART UNIT | PAPER NUMBER |
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3671

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bassin 3,618,157 in view of Haughey 1,525,647.

Bassin discloses an apparatus for processing lawn and garden organic debris comprising:

- A fan housing (10) with a wall opening (21)
- A hose (34) having a nozzle and a circular flange (36) being releasably positionable in the opening (21).

However, Bassin fails to disclose a semi-circular retainer plate surrounding a portion of the opening and coupled a spaced distance from the wall by first, second and third connectors, threaded nuts studs, pins and hand knobs, extending outwardly from the wall to define a slot between the wall and retainer plate for releasably and rotatably receiving a hose flange in the slot such that the hose and opening are in fluid communication;

a protrusion extending outwardly from the wall, so that the connectors and the protrusion circumscribe the perimeter.

Haughey discloses a pipe coupling having first and second connectors (8), threaded studs, pins and hand knobs, extending outwardly from the wall (3) to couple a semi-circular retainer

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plate (6) to the wall (3), defining a slot for releasably and rotatably receiving a circular hose flange (4). Haughey also discloses a protrusion (5) extending outwardly from the wall.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the coupling device of Haughey on the device of Bassin in order to provide a strong, durable and easily made connection.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a third connector since it has been held that duplication of the essential working parts of a device involves only routine skill in the art.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bassin in view of Haughey as applied to claim 6 above, and further in view of Thompson 3,147,510.

The combination fails to explicitly disclose a wing nut as a threaded retainer for coupling the retainer to the wall. Thompson discloses a device similar to that of Bassin wherein wing nuts are used to couple the hose flange to the fan housing.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the wing nuts of Thompson on the device of Bassin and Haughey in order to hold the threaded bolts in place.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bassin and Haughey as applied to claim 1 above, and further in view of Thorud et al. 3,750,378.

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The device is disclosed as applied to claim 1 above. However, the combination fails to disclose a safety switch that is actuated when the flange is in the slot to allow the apparatus to be operational.

Thorud discloses a similar device with a discharge including a safety switch (38) which activates when a flange is in place to allow for operation.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the safety switch of Thorud on the device of Bassin and Haughey in order to prevent injury to an operator.

5. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bassin and Haughey as applied to claim 1 above, and further in view of Lykken et al. 2,362,142.

The device is disclosed as applied above. However, the combination fails to disclose a fan assembly mounted in the fan housing having a fan impeller with fan blades;

The fan blades have a base and tip portion;

The base portion extends radially from an axis of rotation;

The tip portion are at an angle of 50-80 degrees relative to the base portion, in a direction opposite the direction of rotation of the fan.

Lykken discloses a processor fan having a fan impeller (27A) with fan blades (66);

The fan blades have a base (61) and tip (62) portion;

The base portion (61) extends radially from an axis of rotation (18A);

The tip portions (62) are at an angle of 50-80 degrees relative to the base portions (61), in a direction opposite the direction of rotation of the fan.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the fan of Lykken on the device of Bassin and Haughey in order to provide improved processing results.

6. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bassin and Haughey as applied to claim 1 above, and further in view of Green 4,477,029.

The device is disclosed as applied above. However, the combination fails to disclose a fan assembly mounted in the housing having an impeller and blades;

Shredding blades connected to and projecting forwardly from the impeller toward the opening in the fan housing;

The shredding blades have a tip portion having two intersecting angled edges.

Green discloses a similar processing device including a fan (28) and shredding blades (34) connected to and projecting from the impeller toward the opening in the fan housing;

The shredding blades have tip portions (31) each with two intersecting angled edges.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the shredding blades of Green on the device of Bassin and Haughey in order to shred material.

Response to Arguments

7. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

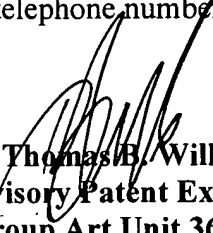
8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 571-272-6997. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 571-272-6998.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 571-273-8300.


Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671

AMT February 22, 2006